

Appl. No. 10/542,506
Amdt. dated May 20, 2010

or around the time of the filing of the instant application. Applicant provided the original information in response to his ongoing duty of candor to the U.S. Patent & Trademark Office. Applicant requests confirmation from the Examiner that these documents satisfy the request under Rule 105.

Claim Rejections Under 35 U.S.C. §112, ¶1

The Examiner rejected amended claims 39-45 under 35 U.S.C. §112 ¶1 for failing to comply with the written description requirement on account of the use of the phrase “aqueous liquid thickener.” To place the claims in better form for appeal, Applicant has amended claim 39 to call for a “thickener concentrate”, which is the language used throughout the instant specification (e.g., ¶¶ 21, 22, 50, 52, 60, 61, 62, 63, 65, 66, 67, 68, and 78 with respect to a dispenser or metering pump).

The Examiner rejected amended claims 44 and 45 under 35 U.S.C. §112 ¶1 on the grounds that they contain new matter. Applicant respectfully traverses the rejections. In regards to claim 44, the recited concentration of 1% to 10% is disclosed in ¶0053 of the present specification; the specification is slightly less specific in that it recites ‘between *about* 1 and *about* 10%. Hence, claim 44 is supported *ipsis verbis* and does not include new matter. Claim 45 is being amended to the full preferred range set out in the instant disclosure at ¶0029 so as to reduce the issues on appeal.

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It is believed that the foregoing amendments overcome the rejections under 35 U.S.C. §112 ¶1, do not raise any new issues, and present the rejected claims in better form for consideration on appeal. Applicant requests withdrawal of these rejections and entry of the amendments to the claims for purposes of appeal.

Claim Rejections Under 35 U.S.C. §112, ¶2

The Examiner rejected claims 39-45 as being ambiguous on account of the language “aqueous liquid thickener.” Applicant’s amendments to claim 39 to change this language to “thickener concentrate,” as stated above, remove this basis for rejection.

Referring to the rejection of claim 41, the Examiner states that “it is unclear what pressure drop is necessary in order to obtain the desired results.” Although applicant believes that one skilled in the art would recognize what constitutes a sufficient pressure drop to accomplish the intended function of mixing in the nozzle, Applicant has amended the claim to remove the questioned language. Support for this amendment is found at ¶¶0067-68.

It is believed that the foregoing amendments comply with the requirements raised in the Final action, overcome the rejections under 35 U.S.C. §112 ¶2, and do not raise any new issues. Applicant requests withdrawal of these rejections and entry of the amendments to the claims for purposes of appeal.

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Conclusion

It is respectfully requested that this amendment be entered to comply with the Examiner's formal requirements and to simplify the issues for appeal. Should the Examiner have questions or suggestions, she is urged to call Applicant's undersigned attorney in order to simplify the issues on appeal for both Applicant and the Examiner.

Respectfully submitted,

May 20, 2010

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